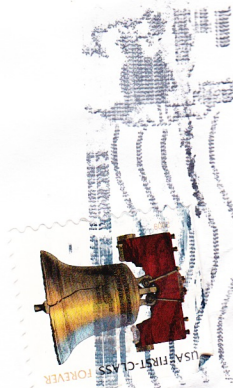


Mr. Clares
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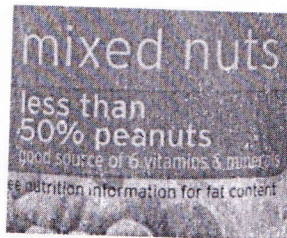
Kashmir Hill, Forbes Staff

Welcome to The Not-So Private Parts where technology & privacy collide

TECH | 11/02/2012 @ 1:50PM | 4,889 views

Gay Porn Website Gets \$3 Million In Damages From BitTorrent Uploaders

In recent years, the porn industry has turned to the courts to try to crack down on the illegal distribution of their XXX movies through file-sharing sites. One adult entertainment company, Flava Works, got its money shot from Illinois courts in October. Two of them actually. The site — which specializes in ethnic gay porn — got a set of \$1.5 million default judgments against a Virginia man, Kywan Fisher, and a Delaware man, Cormelian Brown, both of whom used their paid memberships on Flava Works sites to download porn movies (legally) and then distribute them for free on BitTorrent sites (illegally), letting downloaders watch Flava Works' movies — such as *Mixxxed Nuts* and its *Thug Boy* series about “gay black thugs” — without having to go through the site's pay wall.



Flava Works CEO Phillip Bleicher says he was “surprised” by the \$3 million awarded by Judges John Lee and Joan Lefkow. “That was the maximum we were entitled to, so it wasn't unexpected,” says Bleicher. “But I thought they might tone it down.”

Miami-based Flava Works, represented by Chicago lawyer Meanith Huon, originally sued 15 of its paid members for distributing the site's copyrighted movies. Of those, Fisher and Brown were the only defendants not to respond to legal summonses, nor show up in court to defend themselves (perhaps out of embarrassment), resulting in the default judgments. My own inquiries to Kywan Fisher and Cormelian Brown — whose Google footprints are ruined along with their bank accounts — have not yet been returned.

The other suits are ongoing, with two on the path to trials, says Bleicher. “We want to go all the way. We want them to understand you can't just steal.”

The company was able to track down the movie-sharing users thanks to individual codes that the site attaches to each movie downloaded. In its court filings, Flava Works says the movies Fisher and Brown shared were downloaded thousands of times on Gay-Torrents.net.

“When we catch a customer distributing our movies on file-sharing sites, we

want to cut it off at the source," says Bleicher. He says that the company reached out to the members by letter and phone before suing them. Flava Works has caught 40 of its 10,000 paid members spreading the porn love for free over the last two years and has been able to handle the majority of the cases outside of the court system. Flagged members are prohibited from using the site again; Flava Works is developing a database of infringers that it might one day be able to share with other porn sites.

Flava Works has been in business since 2001. Bleicher says that piracy and the proliferation of free porn on the Internet has been a challenge.

"But there's always a need for professional content and a niche like ours — ethnic gay porn," he said. As for whether these large monetary judgments will discourage piracy, Bleicher was skeptical. "It's just too easy. Just a click of the button to upload and download."

This article is available online at:

<http://www.forbes.com/sites/kashmirhill/2012/11/02/gay-porn-website-gets-3-million-in-damages-from-bittorrent-uploaders/>